

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

**KAO LEE YANG, Individually, and  
obo,  
S.V. & T.V., Minors**

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**CIVIL ACTION NO. 14:18-CV-161**

(ADMIRALTY)

**Hon. Lynn N. Hughes**

**V.**

**TEICHMAN GROUP, LLC, T&T  
MARINE, INC., & EXPRESS  
PROFESSIONAL SERVICES, INC.**

and

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

**MARCUS WILSON**

**S**

**CIVIL ACTION NO. 14:18-CV-162**

(ADMIRALTY)

**Hon. Lee H. Rosenthal**

V.

**TEICHMAN GROUP, LLC, T&T  
MARINE, INC., EXPRESS  
PROFESSIONAL SERVICES, INC. &  
OSG LIGHTERING, LLC**

**DEFENDANTS TEICHMAN GROUP, LLC and T&T OFFSHORE INC.'S**  
**MOTION TO CONSOLIDATE**

TO THE HONORABLE JUDGE HUGHES:

Defendants Teichman Group, LLC and T&T Offshore, Inc. (misnamed in Plaintiffs' petitions as "T&T Marine, Inc.") (collectively, the "T&T Defendants"), ask this Court to consolidate two recently removed cases pursuant to Federal Rule of Civil Procedure 42 and Southern District of Texas Local Rule 7.6.

1. On September 22, 2017, Kao Lee Yang, individually and on behalf of her minor children, S.V. and T.V., filed a lawsuit in the 164<sup>th</sup> District Court of Harris County. The lawsuit was a wrongful death lawsuit arising from the death of her putative husband, Chi Tai Vong, in a crane accident that occurred in Galveston. This lawsuit was removed to this Court on January 19, 2018, on the motions of Defendants OSG Lightering (putatively known as Lightering, LLC) and Cheramie Marine, LLC. This Court has since dismissed the claim against Cheramie based on plaintiffs' motion to dismiss without prejudice. Doc. 4.

2. On October 3, 2017, Marcus Wilson filed a lawsuit in the 190<sup>th</sup> District Court of Harris County. This lawsuit was a wrongful death lawsuit arising from the death of his putative son, Blake Carlisle, in the same crane accident involving Mr. Vong. This lawsuit was removed to Judge Rosenthal's Court on January 19, 2018, on the motions of Defendants OSG Lightering, LLC (putatively known as Lightering, LLC) and Cheramie Marine, LLC.

3. This Court should consolidate the removed Wilson case with this case. As explained above, both the Yang and Wilson cases were originally filed in Harris County state courts. The Yang case was removed first when OSG Lightering and Cheramie removed it to this Court on January 19, 2018. Later the same day, OSG Lightering and Cheramie removed the Wilson case, which is now pending in Judge Rosenthal's court in cause number 18-CV-162. The style of the Wilson case is *Marcus Wilson v. Teichman Group, LLP, et al.*, No. 18-CV-162 (S.D. Tex.).

4. A court may consolidate two actions under Federal Rule of Civil Procedure 42 when they "involve a common question of law or fact." Fed. R. Civ. P. 42. Here, both the

Yang case and Wilson case arise from the same event and involve the same defendants and attorneys. The liability facts underlying the claims are identical, the legal questions of causation and negligence are identical, and, in fact, the jury charges in the cases would be virtually identical. Additionally, the grounds for removal in both cases are virtually the same—that is, the presence of claims under the Admiralty Extension Act, 46 U.S.C. § 30101. (In addition to presence of claims under the Admiralty Extension Act, the removing defendants also assert diversity as a ground for removal.) Accordingly, there are common questions of law and fact in both cases and consolidation is proper.

5. The motion to consolidate should be heard before this Court. Under Southern District of Texas Local Rule 7.6, a motion to consolidate must be filed in the “oldest case” and “[b]e heard by the judge to whom the oldest case is assigned.” Local Rule 7.6(B) & (C). The term “oldest case . . . means the case filed first in any court, state or federal, including cases removed or transferred to this Court.” Local Rule 7.6(D). This case was both filed first and was removed first. Thus, all cases should be consolidated and heard by this Court.

6. The T&T Defendants respectfully pray that the Court: (1) consolidate the two cases into this Court; (4) and grant any other relief, either legal or equitable, to which the T&T Defendants may be entitled.

Respectfully submitted,

/s/ Susan Noe Wilson

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### CERTIFICATE OF SERVICE

I certify that a copy of the foregoing document was served upon counsel of record accordance with the Federal Rules of Civil Procedure, via e-service, facsimile and/or certified mail, return receipt requested to the following on the 6th day of February, 2018:

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M. Lane Lowrey

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### CERTIFICATE OF CONFERENCE

I certify that I have conferred with all counsel of record in relation to this motion and the relief it seeks. Mr. Hart for Ms. Ambriz, Ms. Vilandos as attorney ad litem for B.C., Mr. Myer for OSG Lightering, are not opposed to the motion to consolidate. The removing defendants have agreed to consolidation only as long as consolidation does not destroy diversity in the Yang case or the Wilson case now before this court. Mr. Leavitt on behalf of the Yang Plaintiffs and Marcus Wilson is opposed to the motion and the parties cannot agree about the disposition of the motion.

M. Lane Lowrey

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